

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATALIA BRUTON, individually and on	)	
behalf of all others similarly situated,	)	
	)	Case No.: 12-CV-02412-LHK
Plaintiff,	)	
v.	)	
	)	ORDER TO FILE UPDATED LIST OF
GERBER PRODUCTS CO.,	)	PRODUCTS
	)	
Defendant.	)	
	)	

On January 10, 2014, Plaintiff Natalia Bruton filed a Motion for Class Certification, seeking to certify a class of purchasers of Defendant Gerber Product Co.'s baby food products. ECF No. 82. Five days later, the Court issued an order granting in part and denying in part Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint. ECF No. 83. In the order, the Court narrowed the Substantially Similar Products at issue for Plaintiff's failure to adequately allege the similarity between the products Plaintiff purchased and some products—products from Defendant's Nature Select 1st and 3rd Foods product lines, among others. *Id.* at 15-16.

Defendant filed its Opposition to the Motion for Class Certification on March 11, 2014. ECF No. 88. In its Opposition, Gerber raises uncertainty as to which products remain at issue in this case, arguing that Plaintiff moves to certify a class of purchasers based on products that were

1 not originally submitted with Plaintiff's Second Amended Complaint. Opp. at 2-3. In her Reply  
2 filed on April 3, 2014, Plaintiff proposes stipulating as to which of Defendant's products remain at  
3 issue in the case, based on a joint review of the product labels Defendant has introduced into the  
4 record. ECF No. 110, at 4.

5 It is hereby ORDERED that the parties shall file by May 9, 2014 a stipulated chart, or, if  
6 the parties cannot agree, respective charts with accompanying explanations of no more than two  
7 pages of all of the purchased and substantially similar products still at issue in the case, including  
8 information as to (1) the name of the product line; (2) the type of product; (3) the variety/flavor of  
9 the product; (4) whether the product was purchased or is substantially similar; (5) a citation to the  
10 exhibit showing the product label; and (6) whether the product label always contained the alleged  
11 labeling misrepresentations, never contained the alleged misrepresentations, or whether the label  
12 changed during the Class Period, and, if the label changed, which labels contained the alleged  
13 misrepresentations. The parties are not permitted to add any new products for consideration in this  
14 case.

15  
16 Dated: April 23, 2014

17   
18 LUCY H. KOH  
19 United States District Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28